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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/031,091  
Filing Date: January 15, 2002  
Appellant(s): JOHNSON ET AL.

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Jack Schwartz  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 11, 2008 appealing from the Office action mailed October 5, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,003,041

WUGOFSKI

12-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (6003041).

As for claim 1, Wugofski teaches in a video processing apparatus having at least two video inputs, each video input able to receive a video signal originating from a respective one of a plurality of external input sources and coupled to a display device, a method of performing a channel search comprising:

- determining by a user a currently selected video input from one of the at least two video inputs (user identifies source 110; col. 6, lines 24-30; signal sources 110 include antenna, DBS, cable, etc.; col. 3, lines 1-27);

- detecting available channels from various possible channels received from the source connected to only the currently selected video input (col. 6, lines 33-65); and

- updating a channel list of channels available for the currently selected video input (col. 6, lines 50-65).

As for claims 2, 6, and 10, Wugofski teaches detecting available channels comprises detecting only digital channels (DBS; col. 3, lines 4-5).

As for claims 3, 7, and 11, Wugofski teaches after determining a currently selected video input:

means for utilizing information generated from a previous full channel search regarding whether a video input is coupled to a cable video signal source or an antenna video signal source (User selects source 110; col. 6, lines 24-30. The system then goes through map database 370 to detect if any device/physical-channel keys are not present in database 370 for the selected source; col. 6, lines 33-65).

As for claims 4, 8, and 12, Wugofski teaches after determining a currently selected video input:

means for utilizing information entered by a user regarding whether a video input or television signal is coupled to a cable video signal source or an antenna video signal source (After the user selects the video input, the user selects the channel to view through EPG 320. If the user has a cable video signal source selected, the user selects a channel through the EPG. In contrast, if the user has an antenna video signal source selected, the user manually enters in the channel number or depresses the channel up/down button to select a channel. In other words, based on the video signal source, user selection of a channel differs- col. 4, lines 40-50).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 5 additionally calls for the following:

Means for selecting one RF video input of the at least two RF video inputs (VHF/UHF antenna & modem which processes RF TV signals) as a television signal source for processing (col. 3, lines 1-20);

Claim 9 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 9 additionally calls for the following:

means (signal receivers 120) for receiving a first plurality of channels of television signals from a first television signal input (antenna) of the at least two video inputs (col. 6, lines 16-33);

means (signal receivers 120) for receiving a second plurality of channels of television signals from a second television signal input (cable) of the at least two video inputs (col. 6, lines 16-33);

means (140) for displaying video data associated with one of the plurality of channels of television signals from either the first and second television signal inputs (col. 3, lines 33-38);

#### **(10) Response to Argument**

Regarding claim 1, Appellant initially argues "...Wugofski merely creates channel maps of the channels available for all input devices to create a master 'channel map database 370'...Rather, Wugofski detects channels from all device source inputs and displays an electronic program guide with information about all channels on all devices for presentation to a user...Thus Wugofski neither discloses nor suggests 'detecting available channels from various possible channels received from the source connected to only the currently selected video input' as recited in claim 1 of the present system".

In response, referring to col. 6, lines 24-28, Wugofski teaches “When a new connection is made, step 711 executes step 715, which **requests the user to identify** the device 120...and its **source 110**”. In other words, the user identifies the video input source from among multiple input sources. Hence, contrary to Appellant's assertion, the claim limitation of “determining by a user a currently selected video input from one of the at least two video inputs” is met. The portion that the Examiner relies on in Wugofski is concerned with when a new connection is made. The claim as recited does not preclude that scenario.

Appellant goes on to argue “Additionally, as Wugofski is not concerned with detecting available channels from the source connected to ‘only the currently selected video input’, Wugofski cannot update ‘a channel list of all channels available for the currently selected video input’ as recited in claim 1 of the present system”.

Referring to col. 6, lines 37-66 and Fig. 6, Wugofski teaches available channels of the currently user selected device are detected and entered into database 370.

In response to Applicant's argument that Wugofski is not at all concerned with reducing channel search time, the claim does not require that channel search time be reduced; Applicant is arguing that which is not claimed. Claim 1 is solely concerned with detecting channels and then updating the channel list of the detected channels for a user selected video input which Wugofski clearly teaches. Nowhere in claim 1 is it recited that channel search time is reduced as a result.

In response to Applicant's argument that Wugofski is not concerned with "a previous channel search" or with determining "whether a video input is coupled to a cable video signal source or an antenna video signal source", Wugofski clearly teaches in col. 6, lines 37-66, "If step 725 determines that the current device/physical-channel combination is already present in database 370...Step 734 then accesses device database 350 in order to obtain the remaining information required for a map-database record". From the aforementioned portion it is clear that a previous channel search in the database is consulted in order to make sure that the channel list is complete. If the currently user selected device is coupled to a cable video signal source, the available channels for that device is searched, and if the currently user selected device is coupled to an antenna video signal source, the available channels for that device is searched as well.

In response to Applicant's argument that Wugofski does not teach utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source, the Examiner disagrees. Referring to Fig. 6, in the event that the user is interested in watching FOX from the antenna source, the user enters in channel 3 on his remote control. Channel 3 is exclusively for FOX on the antenna video signal source. The television system accordingly tunes to the corresponding channel. The entry in database that channel 3



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is FOX and corresponds to physical channel 4 was created when the user selected that device as discussed above with respect to claim 1.

Appellant's arguments regarding the remaining claims do not present any arguments over and above those as discussed above. Consequently, the Examiners submits the remaining claims are likewise unpatentable for similar reasoning as discussed above.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sumaiya A Chowdhury/

Examiner, Art Unit 2623

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